

David K. Byers, Administrative Director
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, Arizona 85007
(602) 452-3307

IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of:)	
)	Supreme Court No. R-12-0003
PETITION TO AMEND)	
RULE 123, RULES OF THE)	
SUPREME COURT OF ARIZONA)	
and RULE 2.3, RULES OF)	
CRIMINAL PROCEDURE)	

PETITIONER'S REPLY

Based on comments received, Petitioner has revised his proposed change to Rule 123(e) governing records of employee discipline and investigations of employee misconduct. The revised proposal would be added as a new subsection (e)(15) as set forth below, replacing the original proposed amendment to subsection (e)(1):

(15) Employee Discipline Records. All records concerning employee misconduct or discipline are closed except on a showing of good cause for release of a record as determined in the process provided in 123(f)(5). These records may be accessed by court personnel for official purposes and by an employee who is the subject of the discipline, to the extent such access is permitted or required by applicable personnel policies.

This language is intended to close all misconduct and discipline records because they frequently contain the identities of persons who provided valuable information about co-workers to court management and to prevent a “chilling”

effect on the appropriate discipline of employees that publication would cause. An exception to absolute closure of these records is needed to allow for disclosure where serious misconduct or some other circumstance is determined by a presiding judge to provide good cause for disclosure.

The Arizona Judicial Council and the Presiding Superior Court Judges approved this revision at their June meetings.

RESPECTFULLY SUBMITTED this 21st day of June, 2012.

/s/

David K. Byers, Administrative Director
Petitioner
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, Arizona 85007
(602) 452-3307